

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIC M. MISKOVITCH,)	
)	Civil Action No. 06-1410
Plaintiff,)	
)	Chief Judge Donetta W. Ambrose
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
L.T. HOSTOFFER, et al.,)	Doc. 42
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff filed a Motion for Leave to Proceed in forma pauperis which was received by the Clerk of Court on October 20, 2006 and assigned to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. Plaintiff attached to that motion, among other things, his Complaint. Plaintiff's Motion for Leave to Proceed in forma pauperis was granted and the Complaint was filed by the Clerk of Court on November 1, 2006.

The Magistrate Judge's Report and Recommendation, filed on November 21, 2007 (Doc. 55) recommended that the Motion for Judgment on the Pleadings filed by Defendants Mayview State Hospital, C.O. Keith, Dr. Petras, SCI-Graterford and Superintendent DiGuglielmo (Doc. 42), be granted in part and denied in part. The Magistrate Judge recommended that the Motion for Judgment on the Pleadings be granted as to Plaintiff's claims against Mayview State Hospital and SCI-Graterford and that those entities be dismissed as Defendants in this action. The Magistrate Judge further recommended that the Motion be denied as to Plaintiff's conspiracy claims against

Defendants C.O. Keith, Dr. Petras, and Superintendent DiGuglielmo. Service was made on Plaintiff's counsel and on counsel for Defendants. No objections to the report and recommendation were filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 11th day of December, 2007,

IT IS HEREBY ORDERED that the Motion for Judgment on the Pleadings (Doc. 42) filed by Defendants Mayview State Hospital, C.O. Keith, Dr. Petras, SCI-Graterford, and Superintendent DiGuglielmo, is **GRANTED IN PART** and **DENIED IN PART**. Said Motion is **GRANTED** as to Plaintiff's claims against Defendants Mayview State Hospital and SCI-Graterford, and the Complaint against Defendants Mayview State Hospital and SCI-Graterford is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Motion for Judgment on the Pleadings (Doc. 42) is **DENIED** as to Plaintiff's conspiracy claims against Defendants C.O. Keith, Dr. Petras, and Superintendent DiGuglielmo.

The Report and Recommendation of Magistrate Judge Lenihan, dated November 21, 2007 (Doc 55), is adopted as the opinion of the Court.



DONETTA W. AMBROSE
Chief United States District Judge

cc: Lisa Pupo Lenihan
U.S. Magistrate Judge

All Counsel of Record
Via Electronic Mail